

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: AUGUST 27, 2009**

**DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER**

Consent  Discussion

**SUBJECT:**

**SUP-35196 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLEAR WIRELESS, LLC - OWNER: PUBLIC STORAGE FUND IV - Request for a Special Use Permit FOR A PROPOSED 60-FOOT WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN (FLAG POLE) at the northeast corner of East Charleston Boulevard and Shiloah Drive (APN 140-31-403-001), C-1 (Limited Commercial) Zone, Ward 3 (Reese)**

**C.C.: 10/07/2009**

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**Planning Commission Mtg.**

**City Council Meeting**

**City Council Meeting**

**RECOMMENDATION:**

**DENIAL**

**BACKUP DOCUMENTATION:**

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Submitted after Final Agenda – Protest/Support Postcards

Motion made by RICHARD TRUESDELL to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0  
KEEN ELLSWORTH, VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE,  
RICHARD TRUESDELL, STEVEN EVANS, GUS FLANGAS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

DOUG RANKIN, Planning and Development, stated the site is composed of a mini-storage facility, as well as stealth cell tower contained within the signage. Staff finds that the proposed additional cell tower stealth design flag pole is not compatible with the existing residential area and recommended denial.

**PLANNING COMMISSION MEETING OF: AUGUST 27, 2009**

SHANE HENNESSY-YORK appeared on behalf of Clear Wireless, LLC. He clarified that the existing communication facility is located on the northeast corner of the parcel. Another stand-alone tower is approximately 50 feet away from the proposed communication facility. MR. HENNESSEY-YORK outlined the different options including putting antennas on the billboard on the south side of Charleston Boulevard. Unfortunately, the owner was not interested in entertaining lease negotiations. Other options considered found that some of the existing facilities were either not compatible due to structural integrity or its height could not provide the coverage needed and some signs did not meet code requirements. They also looked at installing on the existing sign located on the same parcel but because the Code specifies that no sign can be greater than 40 feet, this option was not appropriate. The current application is for a 60-foot stealth communication facility designed as a flag pole. There is a gap in-between different buildings and they are looking to integrate their facility into the buildings' architecture.

TODD FARLOW suggested that the cell tower be installed on the adjacent low income housing.

MR. RANKIN clarified that there is only one existing stealth tower on the site. MR. HENNESSEY-YORK replied there are no antennas on the sign. MR. RANKIN pointed out there is a cell tower within the signage itself and it is permitted and it is legal. If there is another cell tower on the site, that would be an illegal tower and that would be addressed by Code Enforcement.

COMMISSIONER EVANS indicated he likes the idea of a flag but expressed concern about the flag pole becoming a visual blight for the adjacent residential. MR. HENNESSEY-YORK replied that the site exceeds all residential adjacency standards. The flag is approximately 10 feet tall; however, if that is too large, the size could be decreased. The Commissioner was not concerned about the size but rather about the noise the flag might cause. MR. HENNESSEY-YORK noted that the residential to the north is 457 feet, to the south is 282 feet and to the east 308 feet.

COMMISSIONER TRUESDELL indicated that storage facilities have proven to be appropriate if the towers do not directly impact residential. The size of the flag is appropriate.

CHAIR TROWBRIDGE declared the Public Hearing closed.